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MAILED

MAY 15 2009

OFFICE OF PETITIONS

In re Application of :
Vincent J. Zimmer, et al. :
Application No. 10/804,489 : DECISION ON PETITION
Filed: March 18, 2004 :
Attorney Docket No. 42P18506 :
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 11, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed September 11, 2008. Accordingly, the date of abandonment of this application is December 12, 2008. The Notice of Abandonment was mailed January 7, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,620 and the publication fee of \$300, (2) the petition fee of \$1,510; and (3) a proper statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.



Brian Brown
Petitions Examiner
Office of Petitions